

(2) If an appeal of the Presiding Officer's decision is taken pursuant to paragraph (t) of this section, or if, in the absence of such appeal the Environmental Appeals Board moves to review the decision of the Presiding Officer pursuant to paragraph (u) of this section, the hearing will be deemed to have ended upon issuance of a final decision by the Environmental Appeals Board.

(z) *Judicial review.* (1) The Administrator hereby designates the General Counsel of the Environmental Protection Agency as the officer upon whom any copies for judicial review shall be served. Such officer shall be responsible for filing in the court the record on which the order of the Environmental Appeals Board is based.

(2) [Reserved]

[50 FR 35388, Aug. 30, 1985, as amended at 50 FR 53467, Dec. 31, 1985; 55 FR 46630, Nov. 5, 1990; 57 FR 5333, Feb. 13, 1992]

**§ 86.1116-87 Treatment of confidential information.**

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment as provided by 40 CFR part 2, subpart B.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this subpart is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential information. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this subpart is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Environmental Appeals Board only to the extent and by

means of the procedures set forth in part 2, subpart B, of this chapter.

(e) Information provided without a claim of confidentiality at the time of submission may be made available to the public by EPA without further notice to the submitter, in accordance with 40 CFR 2.204(c)(2)(i)(A).

[50 FR 34798, Aug. 27, 1985, as amended at 57 FR 5334, Feb. 13, 1992]

**Subpart M—Evaporative Emission Test Procedures for New Gasoline-Fueled, Natural Gas-Fueled, Liquefied Petroleum Gas-Fueled and Methanol-Fueled Heavy-Duty Vehicles**

AUTHORITY: Secs. 202, 206, 301, Clean Air Act as amended, 42 U.S.C. 7521, 7525, 7601.

SOURCE: 48 FR 1456, Jan. 12, 1983, unless otherwise noted.

**§ 86.1201-90 Applicability.**

(a) The provisions of this subpart are applicable to new gasoline-fueled, natural gas-fueled, liquefied petroleum gas-fueled and methanol-fueled heavy-duty vehicles.

(b) Provisions of this subpart apply to tests performed by both the Administrator and motor vehicle manufacturers.

(c) Test procedures and equipment other than those described in this subpart may be used by the vehicle manufacturer if shown to yield results which correlate with results yielded by those described in this subpart (with the reference driving schedule described in § 86.1215-85(a)) and if approved in advance by the Administrator.

[54 FR 14562, Apr. 11, 1989, as amended at 59 FR 48521, Sept. 21, 1994]

**§ 86.1202-85 Definitions.**

Applicable definitions in §§ 86.077-2, 86.078-2, 86.079-2, 86.080-2, 86.081-2, 86.082-2 and 86.085-2 apply to this subpart.

**§ 86.1203-85 Abbreviations.**

The abbreviations in § 86.079-3 apply to this subpart.